

**Date: May 15, 2017**

*Date Minutes Approved: November 5, 2018*

**BOARD OF SELECTMEN MINUTES**

**Present:** Shawn Dahlen, Chair; and Theodore J. Flynn, Clerk.

**Absent:** David J. Madigan, Vice Chair

**Staff:** René J. Read, Town Manager; John Madden, Finance Director; and C. Anne Murray, Admin. Assistant.

TOWN CLERK

2018 NOV -6 AM 11:43

DUXBURY, MASS.

**I CALL TO ORDER**

At 7:00 PM the Chair called the meeting to order in Open Session in the Town Hall (Mural RM).

**II. OPEN FORUM** -nothing brought forward.

**III NEW BUSINESS**

**7:01 PM Public Hearing –Use of Town Green for Duxbury Music Festival on July 21-23, 2017**

All abutters within 300 feet were notified of the hearing via U.S. Mail. No comments were received.

Mr. Flynn moved that Ms. Karen Bellinger Wehner, as a representative of the South Shore Conservatory, be granted permission to hold a portion of the Duxbury Music Festival on the Duxbury Town Green from Friday, July 21, 2017 through Sunday, July 23, 2017, subject to the conditions listed on the permit. (*Tent installation will take place on Wednesday, July 19, 2017 and removal on Monday, July 24, 2017.*) Second by Mr. Dahlen. VOTE: 2:0:0.

**Discussion Pertaining to Economic Advisory Committee's Proposed Role and Hall's Corner Revitalization / Economic Advisory Committee (EAC)**

Mr. John Bear, Chair of the Economic Advisory Committee, and several members were present to discuss the EAC's role, what they have done, what they possibly could do and what the Selectmen want the EAC to do. Primarily they have been focused on retention of businesses. EAC would like Duxbury businesses to be attractive, to be safe, to have few vacancies, and focus on good customer traffic (i.e., businesses that might encourage customers to visit other local businesses).

He suggested that one example of how the EAC could provide input to the Selectmen is with regard to liquor license decisions. The Selectmen are the Local Licensing Authority (LLA) with regard to liquor licensing. The EAC's proposal, which was in the Selectmen's packet, is that the EAC could review liquor licenses to determine how they might help the rest of retail and /or the impacts (such as convenience stores virtually becoming package stores) and make recommendations to the Selectmen.

Mr. Bear spoke briefly about other retail categories. He mentioned that in some cases, such as jewelry stores, it is better to just have a couple. In other categories (such as grocery stores, hardware stores, gift shops, etc.) Duxbury only covers a small percentage of the overall market.

Mr. Dahlen questioned how the EAC could improve the business climate in Duxbury to fill in vacancies. He mentioned, for example, that lots of brick and mortar clothing stores are suffering because they are competing with the online major clothing retailers.

Mr. Clark Hinkley, a member of the EAC, said he feels you need to make a retail area attractive to both business owners and shoppers with a synergy between the shops in the retail area. He mentioned that Hingham, Concord, and Scituate seem to have done a good job in their downtown areas.

Mr. Bear also said it is up to the developer or landlord to make the property attractive and priced right. He suggested, however, that the Town might play a role with respect to infrastructure.

Mr. Bear suggest that since there are no current liquor licenses pending this seemed the opportune time to make the proposal. With respect to the proposal regarding liquor licenses, the Board did not feel the need of the EAC's involvement at this time as the Town's liquor licenses are close to being at the maximum allowed.

Mr. Read said he met with Scott Lambiase, Director of Municipal Services, and Police Chief Matthew Clancy regarding the EAC's proposal on liquor licensing. They both believe the feedback already provided by the Department Heads is sufficient, and therefore they were not supportive of further review and input by the EAC. If the zoning allows the use, then why wouldn't the Selectmen allow the use? If the use is not wanted, then it should be a zoning change that disallows liquor licensing in a given area. Ultimately, the ABCC would only consider the LLA's (i.e., the Board of Selectmen's) decision.

Deb Bowen, EAC member, mentioned the St. George Street area. She said it is exciting to see the attractiveness increase, but now with some residential going in there is no longer a true convenience store in the area.

In some other updates Mr. Bear mentioned:

- In 2004 and 2007 there were studies of Halls Corner done.
- Currently there is concern with the empty shops on Standish ST. They have not been able to establish any dialogue with the owner of the building.
- The EAC has looked at a number of opportunities are where citizens are underserved. For example, Duxbury could use a hardware store.
- Traffic and safety were another issue in the Halls Corner area. There was a suggestion for improved signage to parking areas behind the stores, and that has been done.
- Other safety features involving stop signs (at Standish ST and Chestnut ST) would be handed off to the Highway Safety Advisory Committee. The suggestion was an apostrophe configuration so there is a bump out with the stop sign inserted at the end of Standish ST.
- In 2016 ATM asked for \$10,000 for a consultant to help with a study of overlay districts (commercial on street with residential above) and for design guidelines for the aesthetics of such areas. Also would like help with the development of two large plots that are not zoned for retail at this time, but have been a landscaping /tree service.
- How do you finance some of this? It is likely the developer would finance much of it, but if infrastructure (e.g., septic systems) is needed then the Town might be involved.
- Maintaining of the Town trees and sidewalks has been undertaken.

Ms. Valerie Massard, Town Planner, mentioned that the next steps would be to get input from the public and then to do an implementation plan. She noted that some of the things that might seem to

be “low-hanging fruit” are more involved. For example, a number of things require knowledge of where the private and public property lines are. She mentioned that a complied survey has been prepared from prior studies, but since Halls Corner is one of the oldest intersections some of the records are not clear. So in some cases they have had to guess at the location of the property lines and those would need to be confirmed with the abutting private owners. Then the Town would have to negotiate where the property lines should be set, and eventually another survey would have to be prepared for a boundary agreement plan to be recorded. With other issues being worked on in the Planning Department and the lack of a Town engineer, this is going to take a significant amount of time, involving additional surveys, and the funding to do all of it.

### **State Legislation RE: Pilgrim Nuclear Station pre- and post- closure / Duxbury Nuclear Advisory Committee**

Present for this item of business were members of the Duxbury Nuclear Advisory Committee, including Ms. Pixie Lambert and Ms. Becky Chin, Co-Chairs; and Mr. Jim Lampert and Ms. Nancy Landgren, members.

Mr. Flynn moved that the Board of Selectmen sign letters of testimony in support regarding of in favor of H. 1147 (an Act relative to radiological emergency response funds); H. 1133 (an Act to amend Section 5K€ of Chapter 111); and S. 1837(an Act Relative to the Prompt Decommissioning of Nuclear Power Stations) and send them to the appropriate leadership of the Massachusetts Legislative committees reviewing the bills. Second by Mr. Dahlen.

Before voting on the motion, Ms. Pixie Lampert, Chair of the Duxbury Nuclear Advisory Committee (DNAC), briefly explained the three pending bills related to the planned closure of Pilgrim Nuclear Power Station, which will impact Duxbury regarding safety and finances. She summarized them as follows:

- The first bill addresses the fact that the NRC decided that the owner of a reactor after it closes is no longer responsible for offsite emergency planning. However, the DNAC feels that the risk still does exist until the spent fuel pool is empty. Representative Cutler’s bill puts forth that the nuclear plant owner should be obligated to provide emergency planning funding until the spent fuel pool is empty. This is important because currently Duxbury receives \$80,000 per year for offsite emergency planning. Chief Nord feels that the need for emergency planning will still exist but without the owner funding it the money will have to come from the Town budget. Were there not a nuclear power station in Plymouth, then there would not be need for the emergency planning so funding should come from the plant owner.
- Dry Cask Storage: While moving the spent fuel to dry casks reduces the risks, there are issues with that the dry casks as well. The stainless steel canisters in the dry casks can corrode over time (say 40 yrs.) and they can’t be replaced, but you don’t know there is a problem until there is a problem. They are to be located 125’ from the shoreline. Security is an issue from the air and/or with weapons today that can penetrate dry casks.
- The second bill deals with monitoring. Releases are made to the air and into the water, and those will continue after the plant is closed. The Massachusetts Department of Public Health (MDPH), which has the responsibility for monitoring, does not have the funding to do the appropriate monitoring. So this bill would require the plant owner to increase monitoring funding to \$500,000 per year from the current level of \$180,000 set in 1992. Both State Rep. Cantwell’s bill and State Rep. Cutler’s bill also make it clear that monitoring funding is not to come out of the decommissioning trust fund.

- The third bill has to do with the decommissioning trust fund. This bill addresses the fact that the decommissioning trust fund is inadequate and the decommissioning term allowed is 60 years. So this bill recognizes that Entergy is a LLC and could dissolve leaving the taxpayers with the burden. So this fund would require more sufficient funding in the decommission trust fund and a shorter decommissioning timeframe.
- She also mentioned that the substance of these bills were already supported with Duxbury Town Meeting action. [She cited the following which received Town Meeting support: 2016 ATM Art. 15; 2013 ATM Art. 20; and 2016 ATM Art. 15 and 2015 ATM Art 27.]
- She closed by mentioning that on Thursday night the DNAC is hosting a forum on decommissioning. They are doing so to educate citizens prior to the May 24<sup>th</sup> first public meeting of the decommissioning commission to take place at Plymouth South High School at 6 pm.

Having heard the explanation, the Board returned to vote on the motion. VOTE: 2:0:0.

**Discussion of the FY18 Plymouth County Revenues and Budget - (follow-up from meeting of May 1, 2017)**

Mr. Flynn, who is the Board's representative to the Plymouth County Advisory Board, initiated the discussion. He mentioned that this is a follow-up to the discussion which took place at the Selectmen's meeting on May 1, 2017. He mentioned that representatives of the Plymouth County Commissioners were present at that time.

He said that the Plymouth County proposed budget includes a stipend increase for the Plymouth County Commissioners, which over the course of four years has gone from \$7,800/ year to \$15,500/year and now to a proposed \$28,000 per Commissioner per year. He said the Commissioners' justification is that the stipend is just going back to "what it used to be," and characterized the increase as "outrageous."

He requested a motion to NOT approve the Plymouth County proposed budget, particularly with respect to the salaries for the Commissioners. In discussion, it was decided it should be put forth as an amendment to reduce the salaries versus a disapproval of the whole proposed budget.

Mr. Flynn moved the Board authorize him to make an amendment to the Plymouth County Commissioner's Proposed Budget to reduce the salaries of the Plymouth County Commissioners to \$15,500. per Commissioner per fiscal year. Second by Mr. Dahlen. VOTE: 2:0:0.

Mr. Read provided the following information to the Board regarding parking tickets processed by the Plymouth County Parking Department:

FROM	TO	Number of Tickets Processed
07-01-16	05-15-17	120
07-01-15	06-30-17	150
07-01-14	06-30-15	23
FROM	TO	Number of Tickets Processed
07-01-13	06-30-14	49

**Discussion pertaining to current status of Beach Stickers sales**

Mr. Read provided a comparative analysis spreadsheet to the Board regarding the beach sticker and transfer sticker sales comparing last year's sales to this year's sales at this time.

He mentioned:

- Regarding Beach Stickers, that sales are up in all but two categories. Sales are slightly down in: Sr. Resident Oversand and Sr. Resident Parking Lot categories.
- Regarding the Transfer Station Stickers at first glance it appears the sales are down, but we are now offering a Senior Transfer Station Sticker. If the two categories added together, then sales are slightly up.

**7:15 PM Water & Sewer Commissioners: Water Commitment #4-FY17**

Mr. Flynn moved that the Board of Selectmen adjourn the meeting as Selectmen in order to meet as the Water & Sewer Commissioners, with the intent of re-convening as Selectmen afterward. Second by Mr. Dahlen. VOTE: 2:0:0.

**a. Supplement to Commitment #3-FY 2017:**

Mr. Flynn moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$4,025.00 for Water & Sewer Supplement to the Commitment #3 of FY17. Second by Mr. Dahlen. VOTE: 2:0:0.

**b. Water and Sewer Commitment #4 FY17:**

Mr. Flynn moved that the Board of Water & Sewer Commissioners instruct the Treasurer to collect the amount of \$583,397.25 for Water & Sewer Commitment #4 of FY17. Second by Mr. Dahlen. VOTE: 2:0:0.

**ADJOURNED AS WATER & SEWER COMMISSIONERS & RE-CONVENED AS SELECTMEN**

Mr. Flynn moved that the Board adjourn their meeting as Water & Sewer Commissioners and reconvene as Selectmen. Second by Mr. Dahlen. VOTE: 2:0:0.

**IV TOWN MANAGER'S REPORT**

Mr. Read reported on the following items:

1. Piping Plover Status:  
Currently there are 17 nests and the piping plovers should hatch on or about Memorial Day weekend. At this time, the ORV limits are 205 resident and 250 non-resident vehicles. Duxbury Beach is open.
2. Transfer Station Scale Replaced:

Mr. Read mentioned that the scale at the Duxbury Transfer Station had to be replaced. That work is in progress and should be completed with the scale to re-open about the first of June.

**V COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/ RESIGNATION**

*South Shore Community Action Council -- appointment*

Mr. Flynn moved the Board of Selectmen appoint Rev. Catherine Cullen as the Duxbury delegate to the South Shore Community Action Council's Board of Directors to expire as of June 30, 2020.

In explanation he mentioned: The above represents the Town of Duxbury's nominee to the South Shore Community Action Council's Board of Directors. Duxbury and Hanover share one seat on the South Shore Community Action Council's Board of Directors. Until recently the seat had been held by a nurse from the Town of Hanover. The Town of Duxbury was recently notified of the opening and asked to make an appointment for a Duxbury delegate to the South Shore Community Action Council's Board of Directors. Reverend Catherine Cullen has indicated her interest in serving on the SSCAC's Board.

Second by Mr. Dahlen. VOTE: 2:0:0.

**VI ONE-DAY LIQUOR LICENSE REQUESTS**

*07-22-17 Duxbury Music Festival "Rhythm and Blues on the Green"*

Mr. Flynn moved that the Board of Selectmen grant to Ms. Karen Bellinger Wehner, as a representative of the South Shore Conservatory, a One-Day Wine & Malt License for a Concert to be held on the Millennium Town Green, in conjunction with the Duxbury Music Festival, on Saturday, July 22, 2017 from 6:30 PM to 10:00 PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 2:0:0.

*07-23-17 Duxbury Music Festival "Sunday in the Park"*

Mr. Flynn moved that the Board of Selectmen grant to Ms. Karen Bellinger Wehner, as a representative of the South Shore Conservatory a One-Day Wine & Malt License for a Concert to be held on the Millennium Town Green, in conjunction with the Duxbury Music Festival, on Sunday, July 23, 2017 from 5:00 PM to 7:30 PM, contingent upon the conditions on the license. Second by Mr. Dahlen. VOTE: 2:0:0

**VII EVENT PERMITS – (See under New Business: Duxbury Music Festival)**

**VIII MINUTES**

*Executive Session Minutes: None*

*Open Session Minutes: 11-14-16 Selectmen's Minutes –Draft: 05-01-17 Selectmen's Minutes-Draft;  
and 05-10-17 Selectmen's Minutes -Draft*

Mr. Flynn moved that the Board of Selectmen approve the 11-14-16 Selectmen's Minutes, the 05-01-17 Selectmen's Minutes, and the 05-10-17 Selectmen's Minutes, as presented. Second by Mr. Dahlen. VOTE: 2:0:0.

## **IX     ANNOUNCEMENTS**

Mr. Flynn read the following announcements:

### **1) Senate Committee on Global Warming and Climate Change Listening Tour:**

The Senate Committee on Global Warming and Climate Change will be holding a statewide listening tour to gather input on pressing issues in clean energy and climate. There are various meeting dates and times but the next one for South Shore residents will be on May 22nd at 6 PM at Weymouth High School (in the Mary Jo Livingstone Humanity Center), 1 Wildcat Way, South Weymouth.

### **2) Duxbury COA's Community Wellness Showcase:**

On Tuesday, May 16, 2017 from 10 AM to 1 PM there will be a Community Wellness Showcase at the Duxbury Senior Center, 10 Mayflower ST. The Showcase will provide a preview of community resources and services to help you age in place. There will be health screenings, demonstrations, giveaways, health snacks and door prizes. Exhibitors representing many aspects of health and wellness will be there. All are welcome.

### **3) Pilgrim Nuclear Power Station Decommissioning Forum**

WHAT: Pilgrim Nuclear Power Station Decommissioning Forum  
Sponsored by: Duxbury Nuclear Advisory Committee  
DATE / TIMES: Thursday, May 18, 2017 from 7:30 pm to 9:00 pm.  
WHERE: Duxbury Senior Center (Ellison RM), 10 Mayflower ST, Duxbury

The purpose of the forum is to provide background information so that Duxbury citizens will understand what decommissioning involves, and can consider how decommissioning should proceed to best protect Duxbury's health, safety, and property values.

It is free and open to the public.

### **4) Next Scheduled Selectmen's Meeting is on: Monday, May 22, 2017.**

## **X     ADJOURNMENT**

Mr. Flynn moved to adjourn at approximately 8:15 pm. Second by Mr. Dahlen. VOTE: 2:0:0

*Minutes respectfully submitted by: C. Anne Murray*

*(List of documents on next page.)*

***LIST OF DOCUMENTS FOR 05-15-17 SELECTMEN'S MEETING***

1. *Agenda for 05-15-17 Selectmen's Meeting -Revised*
2. *OPEN FORUM: no documents*
3. *NEW BUSINESS:*
  - a. *7:01 PM Public Hearing –Use of Town Green for Duxbury Music Festival on July 21-23, 2017; Coversheet with Suggested Motion; Sample Event Permit; Dept. Head Feedback on request; mailing to Abutters; Use of Town Green Request; mailing to abutters, Coversheet with Suggested Motion.*
  - b. *Discussion Pertaining to Econ. Adv. Committee's Proposed Role and Hall's Corner Revitalization / Economic Advisory Committee: Coversheet -3 topics from EAC to be discussed; Proposed Add'l. Rules and Regs. on the Issuance, Transfer and Modification of Liquor Licenses; Hall's Corner Revitalization Initiatives Re-sorted 05-15-17; Background Info 06-25-15 EAC Background Info and 06-29-15 Extracted Selectmen's Minutes related to EAC's presentation about Hall's Corner. Plan of Hall's Corner.*
  - c. *State Legislation RE: Pilgrim Nuclear Station pre- and post- closure / Duxbury Nuclear Advisory Committee: CVRSHT with Suggested motion; 05-03-17 LTR from DNAC Co-Chair Mary "Pixie" Lampert providing an overview of pending Legislation and rationale for support of it; 3 Draft Letters of Testimony in Support of Pending Legislation H.1147; H.1133; and S. 1837.*
  - d. *Discussion of the FY18 Plymouth County Revenues and Budget (follow-up from the meeting of May 1, 2017) – no documents (In prior meeting file: FY18 Plymouth County Operating Budget –DRAFT; Copy of Plymouth County Revenues (July 1, 2017 through June 30, 2018)-Proposed.)*
  - e. *Discussion pertaining to current status of Beach Sticker sales.*
  - f. *7:15 PM Water & Sewer Commissioners: (a) Supplement to Commitment #3 – FY2017 and (b) Commitment #4-FY2017: Suggested motions for Public Meeting and authorization of the two discussion items.*
4. *TOWN MANAGER'S REPORT: 05-15-17 Duxbury Beach – Piping Plover Update*
5. *APPTS./Re-APPTS/RESIGNATIONS: 05-15-17 Appointment/Re-appointments Sheet;*
6. *ODLLs : Packet with CVRSHT – suggested motions; One-Day Liq. License with conditions; Dept. Head Feedback; and ODLL request application for 07-22-17 Duxbury Music Festival "Rhythm and Blues on the Green" and 07-23-17 Duxbury Music Festival "Sunday in the Park"*
7. *EVENT PERMITS: See New Business 1a.*
8. *MINUTES: 11-14-16 Selectmen's Minutes-Draft; 05-01-17 Selectmen's Minutes-Draft; and 05-10-17 Selectmen's Minutes –Draft;*
9. *ANNOUNCEMENTS: Suggested Announcements for 05-15-17*